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EXAMINER

RUIZ, ANGELICA

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/574,945	Applicant(s) YOSHIDA ET AL.	
	Examiner Angelica Ruiz	Art Unit 2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>04/07/2006 and 04/23/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-14 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3 and 11-14 are rejected under 35 U.S.C. 102(e) as being unpatentable over Kikuchi et al. (US Patent No. 6553180 B1).

As per Claim 1

- A file managing apparatus for managing files recorded on a recording medium

(Col. 9, lines 39-45, "Data recording area (volume space) 28 is comprised of volume/file management information 70 and data area DA, which can be rewritten by the user.

Data area DA records computer data, video data, audio data, and the like.

Volume/file management information 70 records file information..." and (Title, "Digital information recording/playback system and digital information recording medium")

- which has an index file recorded as a series of entries comprising blocks of extract information derived from and corresponding to said files;

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(Col. 49, lines 58-64, "**record data in a normal file format**, uses a file allocation table (FAT) to manage the recording contents, and has no free space information mentioned above, the number of **free clusters (the number of free blocks)** may be read out from the FAT, and may be multiplied by the number of **bytes per cluster (block)** to compute the free space of that disc.) and (Abstract, "...**extracted from a moving picture** of a video is used as the control information...").

- ***wherein said file managing apparatus reorganizes said index file in such a manner that a plurality of still picture files recorded on said recording medium are grouped into a single movie file;***

(Col. 15, lines 20-22, "... corresponds to that of **video data** made up of one or more picture groups (**groups of pictures; to be abbreviated as GOPs**) and

(Col. 2, lines 7-14, "**records video data (main picture) including video (moving picture) data** as principal part of the recorded contents, ...formed by some video data (**still picture or short movie**)...").

- ***and wherein the entries corresponding to said plurality of still picture files grouped into said movie file are deleted from said index file, while an entry comprising extract information about said movie file is registered into said index file.***

(Col. 29, lines 9-12, "The **menu index information** in FIG. 37 includes the number of index pictures, the number of information pictures, **the number of slide & still pictures**, the 76 number of defective areas, and the number of wallpaper pictures.") and (Abstract, "In a system for recording/playing back video data together with control

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information, a thumbnail, or thumbnail control information, extracted from a moving picture of a video is used as the control information. ...”) and (Col. 28, lines 37-46, “On the other hand, the reason why data have been 32-kbyte aligned at the divisions of this file is to **allow access** in units of 32-kbyte ECC **groups upon changing, adding, or deleting data**. ...Note that each address information in this user menu file is **expressed by a relative address from the beginning of the file.**”) “the relative address” including corresponding “picture files grouped into said movie file”.

As per Claim 2, the rejection of Claim 1 is incorporated and further Kikuchi discloses,

- ***wherein said movie file is an external reference type file which offers the corresponding still pictures in reference to said plurality of still picture files recorded on said recording medium;***

(Col. 26, lines 62-63, “For example, assume that the video-recording source is **television broadcast of a movie**”) and (Col. 27, lines 21-24, “For example, in video recording of a **digital video movie camera** using a DVD-RW disc, every time the user pauses recording during video recording”) and (Col. 28, lines 50-53, “(a) One or more menu selection **picture data** (i.e., thumbnail picture data) each of which **represents a still picture of at least a part of video data are recorded in a single user menu file.**”) The two examples being “external references”.

- ***and wherein said file managing apparatus forms said movie file so that said movie file points to said plurality of still picture files.***

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(Abstract and Claim 8, "... wherein said video data is reproduced to form a thumbnail picture, **still picture**, or movie picture") and (Col. 28, lines 1-6, "This user menu file stores, as first data, **pointer** addresses called anchor points (a, p, b, q in FIG. 36), which **respectively describe the start address (a) and end address (p)** of the thumbnail picture management section, and the start address (b) and end address (q) of backup data of the thumbnail picture management section.") and (Col. 2, lines 24-27, "An example of a menu in DVD video will be explained below. Assume a menu for a **single movie** title divided into five chapters. In this case, five mini pictures obtained by **reducing still pictures of starting portions of the respective chapters** are output onto a single menu screen.").

As per Claim 3, the rejection of Claim 1 is incorporated and further Kikuchi discloses,

- ***wherein said movie file is a self-contained type file which has real data representative of picture data related to said plurality of still picture files and which offers the corresponding still pictures based on said real data;***

(Col. 27, lines 21-24, "For example, in video recording of a **digital video movie camera** using a DVD-RW disc, every time the user pauses recording during video recording") "video recording" being "real data"; and (Col. 5, lines 13-16, "FIG. 35 is a view for explaining still another example of a video pack of a portion to be played back as a still picture in the video contents recorded on the disc shown in FIG. 1 (when a sequence end code is appended as packet data)").

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- ***wherein said file managing apparatus forms said movie file by successively acquiring said picture data from said plurality of still picture files;***

(Col. 12, lines 39-43, "As will be described later video object set VTSTT_VOBS for a video title set title defines a set of one or **more video objects** VOB. Each VOB defines a set of one or more cells. **A set of one or more cells forms program chain PGC.**") and (Col. 2, lines 7-14, " The VMG menu or VTS menu is **formed by some video data (still picture or short movie)**, and buttons (visual markers used by the user to select a selection item in the menu) using sub-picture data.")

- ***and wherein, upon deleting from said index file the entries corresponding to said plurality of still picture files grouped into said movie file, said file managing apparatus also deletes said plurality of still picture files.***

(Cols. 30-31, lines 63-67 and 1-2, respectively, "...manages all thumbnail picture data, **deletion/addition of thumbnail picture data** can be easily managed...") and (Col. 28, lines 37-46, "On the other hand, the reason why data have been 32-kbyte aligned at the divisions of this file is to **allow access** in units of 32-kbyte ECC **groups upon changing, adding, or deleting data**. ...Note that each address information in this user menu file is **expressed by a relative address from the beginning of the file.**") "relative address from the beginning of the file" being "the corresponding to said plurality of still pictures files grouped into said movie".

As per Claim 11, the rejection of Claim 1 is incorporated and further Kikuchi discloses:

- wherein reregistration of said still picture files is carried out in such a manner that the entry comprising the extract information about said movie file is deleted from said index file while the entries comprising the extract information about said plurality of still picture files are registered into said index file.

(Abstract, "In a system for recording/playing back video data together with control information, a thumbnail, or thumbnail control information, **extracted from a moving picture of a video is used as the control information...**") and (Col 28, lines 12-18, "**Actual data which pertain to each thumbnail picture ... text data used in search, title, and the like, and so forth.**") and (Col. 61, lines 64-67, "The total number of program chains PGC that form **the title (audio/video data)** to be played back **is set in index "M"**, and the first program chain number (=1) is set in index N (step ST902).") and (Col. 58, lines 36-51, "When this process starts, MPU 30 creates a header of a user menu file (see FIG. 36) (step ST802). In this header, only data that can be recorded there are created and recorded. (Every time a thumbnail picture for a user menu is **registered** in a thumbnail picture file, the header data is updated.)..."

As per Claim 12, being the method Claim corresponding to the apparatus Claim 1, respectively and rejected under the same reason set forth in connection of the rejection of Claim 1, further Kikuchi discloses: (Abstract and Claim 5, "An information recording **apparatus...**").

As per Claim 13, being the method program claim corresponding to the apparatus Claim 1, respectively and rejected under the same reason set forth in connection of the rejection of Claim 1, further Kikuchi discloses: (Abstract and Claim 5, "An information recording **apparatus**...").

As per Claim 14, being the recording medium claim corresponding to the apparatus Claim 1, respectively and rejected under the same reason set forth in connection of the rejection of Claim 1, further Kikuchi discloses: (Abstract and Claim 5, "An information recording **apparatus**...").

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kikuchi et al (US Patent No.6553180)**, in view of **Date et al (US publication No. 2002/0061187 A1)**.

As per Claim 4, the rejection of Claim 2 is incorporated and further Kikuchi discloses,

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- ***wherein said extract information is organized into groups by attribute of said extract information so that entries of thumbnail images representative of said still picture files are formed in said index file;***

(Abstract, "...control information, extracted from a moving picture of a video is used as the control information...").

- ***wherein said file managing apparatus acquires data about said thumbnail images representative of said plurality of still picture files from said index file and associates the acquired data with said still picture files so as to form groups of real data comprising the data about said thumbnail images in said movie file;***

(Abstract, "In a system for recording/playing back video data together with control information, a thumbnail, or **thumbnail control information**, extracted from a moving picture of a video is used as the control information. The thumbnail control information includes information for generating a thumbnail image which is generated based on the contents of the video data, and information for using the generated thumbnail picture in a menu corresponding to the contents of the video data. The user can create a menu corresponding to the video recorded contents.")

- ***and wherein said file managing apparatus deletes the entries of said thumbnail images representative of said still picture files recorded in said index file.***

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(Title, "Digital information **recording/playback system** and digital information recording medium") and (Abstract and Claim 8, "... wherein said video data is reproduced to form a thumbnail picture, **still picture**, or movie picture").

However **Kikuchi** does not disclose the underlined claimed features above.

On the other hand **Date** discloses the underlined claimed features as follow:

- organized into groups by attribute of said extract information so that entries of thumbnail images representative of said still picture files are formed in said index file;

(Par [0051], "The VOB map 6 contains information on the address 9 and **the attribute (10) of each still picture (VOB) 1. ...**"). And (Par [0112], "Classifying the still picture attributes into four types as shown in...") and (Par [0060], " FIG. 5 shows the **configuration of a directory** used in a third embodiment of the present invention to achieve the first object. The recording times (RECTM) of still pictures (VOB) 1 are used primarily for search. Recording times are usually displayed with **thumbnail pictures, which are reduced still pictures**, ... directory but may be in some other sub-directory.") "directory" including "index file".

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to incorporate the teachings of Date into the method of Kikuchi to take advantage of using attributes for file representation. The modification would have been obvious because one of the ordinary skill in the art would implement this to

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effectively have the file managing system and including an index representing the movies and still pictures, to have an improved access.

As per Claim 5, the rejection of Claim 3 is incorporated and further Kikuchi discloses,

- ***wherein said extract information is organized into groups by attribute of said extract information so that entries of thumbnail images representative of said still picture files are formed in said index file;***

(Abstract, "...control information, extracted from a moving picture of a video is used as the control information...") and (Col. 64-67, "The total number of program chains PGC that form **the title (audio/video data)** to be played back is **set in index "M"**, and the first program chain number (=1) is set in index N (step ST902).") and (Col. 29, lines 24-29, "The **index** picture data used when a user menu picture is designated by only the address includes the content characteristic described with "0", the ID of a **program chain for slide & still pictures...."**)

- ***wherein said file managing apparatus acquires data about said thumbnail images representative of said plurality of still picture files from said index file and associates the acquired data with the picture data so as to form groups of real data comprising a series of the data about said thumbnail images in said movie file;***

(Abstract, "In a system for recording/playing back video data together with control information, a thumbnail, or **thumbnail control information**, extracted from a moving

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picture of a video is used as the control information. The thumbnail control information includes information for generating a thumbnail image which is generated based on the contents of the video data, and information for using the generated thumbnail picture in a menu corresponding to the contents of the video data. The user can create a menu corresponding to **the video recorded contents.**")

- ***and wherein said file managing apparatus deletes the entries of said thumbnail images representative of said still picture files recorded in said index file.***

(Title, "Digital information **recording/playback system** and digital information recording medium") and (Abstract and Claim 8, "... wherein said video data is reproduced to form a thumbnail picture, **still picture**, or movie picture").

However **Kikuchi** does not disclose the underlined claimed features above.

On the other hand **Date** discloses the underlined claimed features as follow:

- *organized into groups by attribute of said extract information so that entries*

(Par [0051], "The VOB map 6 contains information on the address 9 and **the attribute (10) of each still picture (VOB) 1. ...**"). And (Par [0112], "Classifying the still picture attributes into four types as shown in...") and (Par [0060], " FIG. 5 shows the **configuration of a directory** used in a third embodiment of the present invention to achieve the first object. The recording times (RECTM) of still pictures (VOB) 1 are used primarily for search. Recording times are usually displayed with **thumbnail pictures**,

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which are reduced still pictures, ... directory but may be in some other sub-directory.") "classifying" being the "organized" as claimed.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to incorporate the teachings of Date into the method of Kikuchi to take advantage of using attributes for file representation. The modification would have been obvious because one of the ordinary skill in the art would implement this to effectively have the file managing system and including an index representing the movies and still pictures, to have an improved access.

As per Claim 6, the rejection of Claim 3 is incorporated and further Kikuchi discloses,

- ***wherein said extract information is organized into groups by attribute of said extract information so that entries in text of titles representative of said still picture files are formed in said index file;***

(Col. 4, lines 28-29, "FIG. 16 is a table for explaining the contents of **title search pointer table TT_SRPT** shown in FIG. 15") and (Col 28, lines 12-18, "**Actual data which pertain to each thumbnail picture ... text data used in search, title, and the like, and so forth.**") and (Col. 61, lines 64-67, "The total number of program chains PGC that form **the title (audio/video data)** to be played back is **set in index "M"**, and the first program chain number (=1) is set in index N (step ST902).") and (Col. 29, lines 24-29, "The **index** picture data used when a user menu picture is designated by only the address includes the content characteristic described with "0", the ID of a **program chain for slide & still pictures....**")

- ***wherein said file managing apparatus acquires data about said titles representative of said plurality of still picture files from said index file and associates the acquired data with said still picture files so as to form groups of real data comprising the data about said titles in said movie file;***

(Col. 64, lines 33-40, "If display **text data is present at a target coordinate position** (display position at the byte positions "19 to 22" in FIG. 16) described in title search pointer table TT_SRPT, MPU 30 **writes a representative thumbnail image corresponding to the display text data** in a frame buffer below the thumbnail image on the basis of that text data with reference to its internal character ROM (step ST1118).

- ***and wherein said file managing apparatus deletes the entries of said titles representative of said still picture files recorded in said index file.***

(Col. 61, lines 64-67, "The total number of program chains PGC that form **the title (audio/video data)** to be played back is **set in index "M"**, and the first program chain number (=1) is set in index N (step ST902).") and (Col. 29, lines 24-29, "The **index picture data** used when a user menu picture is designated by only the address includes the content characteristic described with "0", the ID of a **program chain for slide & still pictures....**") and (Col. 28, lines 37-46, "On the other hand, the reason why data have been 32-kbyte aligned at the divisions of this file is to **allow access** in units of 32-kbyte **ECC groups upon changing, adding, or deleting data.** ... Note that each address

information in this user menu file is **expressed by a relative address from the beginning of the file.**") "the relative address" including corresponding "picture files grouped into said movie file".

However **Kikuchi** does not disclose the underlined claimed features above.

On the other hand **Date** discloses the underlined claimed features as follow:

- *is organized into groups by attribute of said extract information so that entries*

(Par [0051], "The VOB map 6 contains information on the address 9 and **the attribute (10) of each still picture (VOB) 1. ...**"). And (Par [0112], "Classifying the still picture attributes into four types as shown in...") and (Par [0060], " FIG. 5 shows the **configuration of a directory** used in a third embodiment of the present invention to achieve the first object. The recording times (RECTM) of still pictures (VOB) 1 are used primarily for search. Recording times are usually displayed with **thumbnail pictures, which are reduced still pictures, ...** directory but may be in some other sub-directory.").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to incorporate the teachings of Date into the method of Kikuchi to take advantage of using attributes for file representation. The modification would have been obvious because one of the ordinary skill in the art would implement this to effectively have the file managing system and including an index representing the movies and still pictures, to have an improved access.

As per Claim 7, the rejection of Claim 3 is incorporated and further Kikuchi discloses,

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- ***wherein said extract information is organized into groups by attribute of said extract information so that entries in text of titles representative of said still picture files are formed in said index file;***

(Col 4, lines 28-29, "FIG. 16 is a table for explaining the contents of **title search pointer table TT_SRPT** shown in FIG. 15") and (Col. 28, lines 12-18, "**Actual data which pertain to each thumbnail picture ... text data used in search, title, and the like, and so forth.**") and (Col. 64-67, "The total number of program chains PGC that form **the title (audio/video data)** to be played back is **set in index "M"**, and the first program chain number (=1) is set in index N (step ST902).") and (Col. 29, lines 24-29, "The **index picture data** used when a user menu picture is designated by only the address includes the content characteristic described with "0", the ID of a **program chain for slide & still pictures...."**)

- ***wherein said file managing apparatus acquires data about said titles representative of said plurality of still picture files from said index file and associates the acquired data with the picture data so as to form groups of real data comprising the data about said titles in said movie file;***

(Col. 64, lines 33-40, "If display **text data is present at a target coordinate position** (display position at the byte positions "19 to 22" in FIG. 16) described in title search pointer table TT_SRPT, MPU 30 **writes a representative thumbnail image corresponding to the display text data** in a frame buffer below the thumbnail image

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on the basis of that text data with reference to its internal character ROM (step ST1118).

- ***and wherein said file managing apparatus deletes the entries of said titles representative of said still picture files recorded in said index file.***

(Col. 61, lines 64-67, "The total number of program chains PGC that form **the title (audio/video data)** to be played back is **set in index "M"**, and the first program chain number (=1) is set in index N (step ST902).") and (Col. 29, lines 24-29, "The **index picture data** used when a user menu picture is designated by only the address includes the content characteristic described with "0", the ID of a **program chain for slide & still pictures....**") and (Col. 28, lines 37-46, "On the other hand, the reason why data have been 32-kbyte aligned at the divisions of this file is to **allow access** in units of 32-kbyte ECC groups upon changing, adding, or deleting data. ... Note that each address information in this user menu file is **expressed by a relative address from the beginning of the file.**") However **Kikuchi** does not disclose the underlined claimed features above.

However **Kikuchi** does not disclose the underlined claimed features above.

On the other hand **Date** discloses the underlined claimed features as follow:

- **is organized into groups by attribute of said extract information so that entries** (Par [0051], "The VOB map 6 contains information on the address 9 and **the attribute (10) of each still picture (VOB) 1. ...**"). And (Par [0112], "Classifying the still picture attributes into four types as shown in...") and (Par [0060], " FIG. 5 shows the

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configuration of a directory used in a third embodiment of the present invention to achieve the first object. The recording times (RECTM) of still pictures (VOB) 1 are used primarily for search. Recording times are usually displayed with **thumbnail pictures, which are reduced still pictures**, ... directory but may be in some other sub-directory.”).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to incorporate the teachings of Date into the method of Kikuchi to take advantage of using attributes for file representation. The modification would have been obvious because one of the ordinary skill in the art would implement this to effectively have file managing system organized into groups and an index representing the movies and still pictures, to have an improved access.

As per Claim 9, the rejection of Claim 1 is incorporated and further Kikuchi discloses,

- ***wherein the number of entries in said index file is determined and said index file is reorganized based on the determination result.***

(Col. 12, lines 43-48, “Assuming that one PGC corresponds to one drama, a plurality of cells that make up this PGC can be taken to correspond to various scenes in that drama. The contents of PGC (or **contents** of a cell) **are determined by a software provider (or a software producer including the apparatus user)** who produces the contents to be recorded on disc 10.”) and (Col. 29, lines 9-29, “**The index picture information** in FIG. 37 includes a **content characteristic**, the ID of a program chain for

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an index picture, ... shown in FIG. 38.") "content characteristic" being the "determination result" as claimed.

However Kikuchi does not disclose the underlined claimed feature.

On the other hand Date discloses the underlined claimed feature as follow:

number of entries

(Par [0103], "The still picture management information table (VOBI_Table) 107 is composed of still picture ... **entries are stored** ... corresponds to the still picture (VOB) 101-1.").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to incorporate the teachings of Date into the method of Kikuchi to take advantage of using attributes for file representation. The modification would have been obvious because one of the ordinary skill in the art would implement this to effectively have file managing system organized based on determination result to have an improved access based on user requirements.

As per Claim 10, the rejection of Claim 1 is incorporated and further Kikuchi discloses,

- ***wherein the number of entries determined in said index file is presented to a user and said index file is reorganized in response to user instruction.***

(Col. 63, lines 34-40, "Then, a thumbnail picture **designated** by "USR_NUM" is displayed not to overlap other thumbnail pictures (step ST1018). After that, **index**

"**USRNS**" is decremented (step ST1020). If decremented index "USRNS" becomes zero (YES in step S1022), the **user selects a desired one ...**").

However Kikuchi does not disclose the underlined claimed feature.

On the other hand Date discloses the claimed feature s follow:

- *reorganized in response to user instruction.*

(Par [0112], "**Classifying** the still picture attributes into four types as shown in (a) to (d) of FIG. 14 and then, for each of ...later.") "Classifying" being the "reorganized"

(Par [0143], "In step 1090, **which audio part, either original audio part (OA_Part) or post-recorded audio part (AA_Part)**, is to be played back is determined **according to the user's selection**. ... recorded in the V_OA_AA_I(1012) according to the procedure used in step 1089. Control goes to step 1091.").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to incorporate the teachings of Date into the method of Kikuchi to take advantage of using attributes for file representation. The modification would have been obvious because one of the ordinary skill in the art would implement this to effectively have file managing system organized based on determination result to have an improved access based on user requirements.

6. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kikuchi et al (US Patent No.6553180)**, in view of **Date et al (US publication No. 2002/0061187 A1)** and **Sakata et al (US Publication No. 2002/0154337 A1)**.

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As per Claim 8, the rejection of Claim 1 is incorporated and further Kikuchi discloses,

**- wherein said plurality of still picture files associated with the
reorganization of said index file belong to a particular folder.**

(Col. 29, lines 24-29, "The index picture data used when a user menu picture is designated by only the address includes the content characteristic described with "0", the ID of a program chain for slide & still pictures, the addresses of original audio/video data, and the time codes of slide & still pictures, as shown in FIG. 38.").

However Kikuchi does not disclose the underlined claimed features.

On the other hand Sakata discloses the underlined claimed features as follow:

files associated

belong to a particular folder.

(Par [0081], "from an **image file recorded** by the AVI or MPEG format (.WAV). Similar to the **still picture**, a **file folder whose name is the date of the image** sensing date is created (if the file folder already exists, this process is skipped). Further,")

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to incorporate the teachings of Date and Sakata into the method of Kikuchi to take advantage of using attributes for file representation. The modification would have been obvious because one of the ordinary skill in the art would implement this to effectively have file managing system organized based on determination result and organization to have an enhanced use based on association of files with a particular folder.

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Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angelica Ruiz whose telephone number is (571) 270-3158. The examiner can normally be reached on 7:30 a.m. to 5:00 p.m., ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ali can be reached on (571) 272-4105. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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